



AAA Mediation.org™

FN-20906 MN-20906 LN-20906, Esq.

Charleston, South Carolina

Current Employer-Title David McCormack ADR, LLC

Profession Mediator/Arbitrator

Work History Partner, Womble Bond Dickinson (US) LLP, 2017 – 2018; Partner, Womble Carlyle Sandridge & Rice LLP, 2011 – 2017; Principal, Buist Moore Smythe McGee P.A., 1979 – 2011.

Experience Thirty-nine years of experience as a practicing attorney, prior to establishing mediation and arbitration only firm in January 2019. Concentrated primarily in the area of labor and employment law for the last 25 years of practice, but also handled commercial/corporate litigation matters. While actively practicing was certified as a Certified Specialist in Employment and Labor Law by the South Carolina Supreme Court. Practice encompassed all aspects of state and federal employment law, including employment discrimination (Title VII, ADEA, ADA and FMLA), sexual and other harassment, retaliation, wrongful termination, wage and hour matters (FLSA and state law), non-competition and other restrictive covenant agreements, and breach of contract. Commercial litigation practice included contract disputes, UCC related issues, and corporate related issues.

Mediator Experience Mediated approximately 1100 employment and commercial cases. The employment cases generally involve allegations of unlawful discrimination, sexual or other unlawful harassment, breach of contract, violation of the FLSA or other wage related laws and wrongful discharge. The commercial cases generally involve corporate disputes and breach of contract claims, including non-compete issues.

Representative Issues Handled as a Mediator Employment cases mediated have included allegations of race discrimination, sex discrimination, age discrimination, discrimination in violation of the ADA, sexual and other unlawful harassment, violation of the FMLA, retaliation, breach of contract, wrongful termination, wage payment claims, FLSA claims, non-compete and other restrictive covenant claims, public policy claims, and various tort claims such as defamation and assault and battery.

Commercial cases mediated have included breach of contract claims, trade secrets/covenant not to compete claims, trademark infringement, breach of fiduciary duties, various corporate disputes, business torts and construction defects.

Mediator Style & Process Preferences I am retained by the parties for one purpose and one purpose only and that is to resolve the dispute that exists between them. I therefore believe in being an active mediator.

Education University of Virginia (JD-1979); Cambridge University (MA-1976); Yale University (BA-1974).

Professional Licenses Admitted to the Bar: South Carolina (1979); U.S. District Court: District of South Carolina (1980); U.S. Court of Appeals: Fourth Circuit (1982); U.S. Supreme Court (1986).

Professional Associations South Carolina Bar Association (Employment and Labor Law and Dispute Resolution Sections); College of Labor and Employment Lawyers; American Arbitration Association (commercial and employment panels); National Academy of Distinguished Neutrals.

Recent Publications & Speaking Engagements

PUBLICATIONS: Co-author, "Independent Contractors: South Carolina" (Practical Law Company 2012)

Contributing author, Labor and Employment Law for South Carolina Lawyers (South Carolina Bar Association, 1999, 2004, 2007, 2011).

SPEAKING ENGAGEMENTS (since 2009): "Protecting Your Company: Effective Employment Agreements", South Carolina Chamber of Commerce 22nd Annual Human Resources Conference, May 7, 2012; "Harassment and Other Sensitive HR Issues", Charleston Family Business Forum, March 15, 2012; "Key Employees are Leaving: What do I do Now", co-presenter, Womble Carlyle Sandridge & Rice, LLP South Carolina CLE Symposium, February 21, 2012; "Title VII-Specific Employment Practices", South Carolina Bar-Labor and Employment Law for S.C. Lawyers, May 13, 2011; "Restrictive Covenants in Employment Agreements", Charleston Metro Chamber of Commerce-Chamber Labor Climate Network, August 18, 2010; "Alternative Dispute Resolution", Berkeley County Chamber of Commerce, April 13, 2010; "Employment Law from A to Z," Lorman Education Services, April 16, 2009.

Languages

English

Citizenship

United States of America

Locale

Charleston, SC

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.